

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

DENNIS GROMOV, individually and on)	
behalf of all other similarly situated,)	
)	
Plaintiff,)	Case No. 1:22-cv-06918
)	
v.)	Hon. Franklin U. Valderrama
)	
BELKIN INTERNATIONAL, INC.,)	
)	
Defendant.)	

**DEFENDANT BELKIN INTERNATIONAL, INC.’S STATEMENT REGARDING
THE COURT’S OCTOBER 10, 2023 ORDER AND THE PARTIES’
NOVEMBER 2, 2023 STATUS REPORT**

Defendant, Belkin International, Inc., submits this statement regarding its compliance with the Court’s order dated October 10, 2023 (the “**Order**”) and the Joint Report of the Parties filed on November 2, 2023 (the “**Report**”).¹ *See* Dkt. Nos. 56 and 59.

A. Preliminary Statement

As this Court well knows, the Court ordered Belkin to produce information and documents in response to certain of Plaintiff’s discovery requests. *See* Order, p. 8. In certain instances the Court ordered Belkin to provide responsive information and documents across its array of power banks, while in other instances the Court limited Belkin’s response to a yet-to-be determined representative sampling of its power bank products. *See generally, id.*

Belkin takes its obligations under the Order seriously, and its position with respect to those

¹ After Belkin provided Plaintiff’s counsel with its revisions to the Report, Plaintiff’s counsel made changes to the submission, attached an additional exhibit, and filed the report with Belkin’s counsels’ signatures affixed, without consulting Belkin or providing its counsel the opportunity to review these changes before they were submitted to this Court.

obligations is set out in the Report, which the Court has taken under advisement. *See* Dkt. No. 60. In an effort to advance this matter, Belkin has continued to work on its obligations under the Order and submits this statement in an effort to limit this issues before the Court.

B. Belkin Will Provide Its Revised Responses to Request Nos. 2, 6-10, and 16-19 and Interrogatory Nos. 4-7, 14, and 19 by November 10, 2023

The Order requires Belkin to produce responsive information and documents to Requests Nos. 2, 6-10, 16, 18, and 19,² and Interrogatory Nos. 4-7 and 14 across its array of power banks. *See* Dkt. No. 56, p. 8. The Court also ordered Belkin to respond to Request No. 17, but only with respect to litigation within the United States and only going back to five years before filing of the initial complaint in this matter.

In the Report, Belkin offered to provide its revised responses to Request Nos. 2, 6-10, 16-19, and Interrogatory Nos. 4-7, 14 by November 10, 2023. Belkin also offered to amend its response to Plaintiff's Interrogatory No. 19, which seeks Belkin's Federal Tax ID number, by the same date. As part of Belkin's efforts to comply with the Order and limit the issues before the Court, Belkin has continued to work on its revised responses since the Court took the Report under advisement and will produce them no later than November 10, 2023, unless this Court instructs otherwise.

C. The Topics Raised on Page 20 of the Report are Mooted by Belkin's Cooperation

Industry Standards: As indicated above, and offered in the Report, Belkin will provide its revised responses to, among others, Interrogatory Nos. 4-5 and 7, by November 10, 2023. Because Belkin has

² The Report also references Request No. 23, which seeks "[d]ocuments sufficient to identify all retailers who sold Belkin's power banks in the multi-state area in the proposed class, including their names, locations, and sales volume since January 1, 2018, broken down by model of each power bank." This was "Issue 8" of Plaintiff's Motion to Compel. *See* Dkt. No. 43, p. 9. The Court ordered Belkin to respond, but "only as to the sampling of the products the parties select." *See* Order, p. 6. Elsewhere, however, the Court granted Request 23 as to the array of Belkin's power banks. *Id.* at p. 8. Given the Court's reasoning in the Order, Belkin's position is that the Court intended to limit this Request to the sampling of power banks, and therefore will respond to it once the sampling has been agreed upon, unless this Court instructs otherwise.

agreed to provide revised responses to these Interrogatories, which involved industry standards, the alleged issues related to Interrogatory Nos. 4-5 and 7 raised on page 20 of the Report are moot.

Other Litigation: As indicated above, and offered in the Report, Belkin will provide its revised responses to, among others, Request No. 17, as narrowed by the Court, by November 10, 2023. Because Belkin has agreed to provide a revised response, the alleged issue related to Interrogatory No. 17 raised on page 20 of the Report is moot.

Marketing Data: In the Report, Belkin agreed to confirm that its prior searches would have captured responsive documents regarding retail pricing, should they even exist, and that they had been produced. Belkin will confirm whether its prior searches captured such documents by November 17, 2023. This effort moots this topic.³

D. Belkin Will Make Rolling Productions With Respect To Certain Requests For Production Starting On November 17, 2023

In the Report, Belkin offered to commence rolling productions of documents responsive to Request Nos. 2, 6-10, and 16-19, if any, on November 17, 2023 and ending no later than December 8, 2023. Belkin is working to identify responsive documents, even though the parties' submission is under advisement and no date for production has been set. Nevertheless, in the spirit of advancing this case, Belkin will commence rolling productions of responsive, non-privileged documents starting on November 17, 2023, unless this Court orders otherwise.

³ Moreover, the Court narrowed Plaintiff's requests that seek this information to the yet-to-be determined representative sample. *See* Dkt. No. 56, pp. 7-8 (narrowing Request No. 22 and Interrogatory No. 3). As Belkin explained in the Report, Belkin cannot provide a timeline for production of such documents, if they exist, until it knows what information it is required to produce.

Dated: November 8, 2023

Respectfully submitted,

By: /s/ Katelyn VanDorne

Katelyn VanDorne
BAKER & MCKENZIE LLP
300 East Randolph Street, Suite 5000
Chicago, IL 60601
Telephone: (312) 861-3700
katelyn.vandorne@bakermckenzie.com

Edward Totino (admitted *pro hac vice*)
Nancy Nguyen Sims (admitted *pro hac vice*)
BAKER & MCKENZIE LLP
10250 Constellation Blvd., Ste. 1850
Los Angeles, CA 90067
Telephone: (310) 210-4725
edward.totino@bakermckenzie.com
nancy.sims@bakermckenzie.com

Counsel for Defendant Belkin International, Inc.